



# SAFETY --- Network

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[www.michigan.gov/ohsp](http://www.michigan.gov/ohsp)

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## Governor vetoes repeal of helmet law

Governor Jennifer M. Granholm recently vetoed Senate Bill 297, which would have eliminated the legal requirement for some motorcyclists 21 and older to wear a helmet.

Granholm stated in a letter to the Michigan Senate that "the social and economic costs of this legislation are simply too high."

Senate Bill 297 would have exempted riders 21 years old or older from wearing a helmet if they had been licensed for two years or had completed a motorcycle safety course. In addition, those riding without helmets would have needed \$10,000 in personal injury protection insurance.

Granholm cited the fact that the \$10,000 requirement was "woefully inadequate," as actual costs for treatment of head injuries could run up to 400 percent higher. She also stated that lifetime, long-term care of closed head injuries cost between \$4 million and \$8 million.

Granholm also pointed out that states that have repealed their helmet laws have experienced significantly increased fatality rates, and that Louisiana reinstated its law four years after its repeal because of a 65 percent increase in fatalities.

According to national studies, helmet usage reduces fatalities by 37 percent and prevents traumatic brain injuries by 67 percent.

In 2005, motorcycle fatalities in Michigan were up more than 50 percent from the previous year, from 79 in 2004 to 122 in 2005. This is the highest number of deaths since 1985 when the state recorded 142 motorcycle fatalities. In addition, motorcycle crashes went up by 5.5 percent, from 3,321 in 2004 to 3,504 in 2005.



Lieutenant Robert Pernaski of the Michigan State Police Negaunee Post in Michigan's Upper Peninsula is interviewed during a May 15 news conference kicking off the *Buckle Up or Pay Up, Click It or Ticket* enforcement effort.

## Safety belt citations, arrests down during *Click It or Ticket* campaign

Michigan law enforcement officers issued more than 23,000 safety belt citations during the recent *Buckle Up or Pay Up, Click It or Ticket* enforcement period, 27 percent fewer than during last year's mobilization. The number of agencies reporting statistics was down by about 10 percent from 2005, but law enforcement officers arrested more drunk drivers and made more felony arrests.

Statewide, safety belt citations fell by a little more than 8,600, from 31,665 in May 2005 to 23,062 in May 2006. Officers wrote 14,626 of these citations in grant-funded safety belt enforcement zones. The Michigan Office of Highway Safety Planning administered federal traffic safety funds to agencies in 55 counties for the enforcement activity.

Officers set up safety belt enforcement zones between May 22 and June 4 to cite motorists who were not properly buckled. Of the 23,062 restraint citations issued, 656 were for children under 4 years old who were not properly restrained in a child safety seat.

Many other law enforcement agencies voluntarily agreed to make safety belt enforcement a priority during that period. Across the state, 340 agencies in 75 counties reported their statistics to OHSP. The Michigan State Police Motor Carrier Division also focused additional enforcement on commercial truck drivers.

In addition to writing safety belt citations, law enforcement officers arrested 1,054 motorists for drunk driving and 649 individuals on felony charges. They also made 3,464 other misdemeanor arrests and issued 13,704 speeding citations, and found 2,159 drivers with suspended or revoked licenses.

## IN BRIEF

### Peet is new AAA Community Safety Services manager

Jack Peet has been named the Manager of AAA Michigan's Community Safety Services.

Peet began his career at AAA as a safety consultant about five years ago, and most recently served as the Grand Rapids North AAA Branch Manager.

Prior to joining AAA, Jack served 27 years with the Michigan State Police in various positions and has an extensive traffic safety background.

### Capka confirmed as FHWA administrator

J. Richard Capka has been confirmed as the administrator of the Federal Highway Administration (FHWA). Capka, a retired brigadier general with the Army Corps of Engineers, became acting administrator of the FHWA last August.

Capka was appointed as FHWA's deputy administrator in August 2002. Prior to his appointment, he served as chief executive officer/executive director of the Massachusetts Turnpike Authority.

### Senate confirms Nason as NHTSA director

Nicole Nason's nomination as administrator of the National Highway Traffic Safety Administration has been confirmed.

Nason previously served as Assistant Secretary for Governmental Affairs for the U.S. Department of Transportation.

She came to DOT from the U.S. Customs Service, where she was Assistant Commissioner of the Office of Congressional Affairs.

Previously, Nason served as government affairs counsel for the Metropolitan Life Insurance Company.

## SAFE COMMUNITIES CORNER

### Assessment tool now available on the web

The Tool for Injury Prevention and Safety (T.I.P.S.) is now available as a web-based application. T.I.P.S. was developed in response to requests from many of our Safe Community Coalitions for an easy-to-use community assessment tool.



T.I.P.S. focuses on three areas: traffic safety (i.e. drinking/driving, safety belt use), other unintentional injury (i.e. drowning, falls) and intentional injury (i.e. homicide, suicide). Once coalition members have completed the survey, TIPS automatically calculates the issues most important to the coalition and then generates lists of community resources for each issue.

T.I.P.S., developed by the University of Michigan Transportation Research Institute, was first demonstrated at the June 2005 Safe Communities conference in a Microsoft Access form available on a CD-R. Conference participants requested T.I.P.S. be a web-based application.

Safe Communities coalitions can utilize T.I.P.S. by visiting <http://tipssurvey.org>.

## OHSP teams up with Metroparks to promote safety belt usage

The Office of Highway Safety Planning and the Huron-Clinton Metroparks are teaming up this summer to get park visitors to "Buckle Up. Every Trip. Every Time."

Over the Fourth of July and Labor Day weekends, Metroparks employees will look for safety belt use at the entrance of seven of the parks in the Metro Detroit area. Each buckled occupant will be rewarded with a can of Pepsi, donated by Pepsi Bottling Group of Howell. If the driver or passengers are unrestrained, they will get a flyer detailing the many reasons to buckle up, along with

park information.

Banners at each of the park's entrances will encourage vehicle occupants to wear their safety belts every time they take a trip.

Visit any of the following parks between 3-5 p.m. to get a reward (while supplies last) for buckling up:

Lake Erie	Saturday, July 1
Hudson Mills	Sunday, July 2
Stony Creek	Sunday, July 2
Willow	Monday, July 3
Kensington	Tuesday, July 4
Lower Huron	Fourth of July weekend
Metro Beach	Fourth of July weekend

The safety belt promotion dates coincide with Independence Day fireworks displays.

For more information about the Huron-Clinton Metroparks, visit [www.metroparks.com](http://www.metroparks.com).

# Munoz named new Michigan State Police director

Peter C. Munoz has been chosen as the 16<sup>th</sup> director of the Michigan Department of State Police by Governor Jennifer Granholm.

This appointment was effective June 10. Munoz takes over for Colonel

Tadarial J. Sturdivant who retired from the department June 9, after serving it for almost 28 years.



**Peter C. Munoz**

Munoz, a native of Detroit, enlisted with the department in 1978 as a member of the 95th Trooper Recruit School. His previous work includes serving as: captain and district commander with the first district headquarters, an EEO/Affirmative Action officer, serving as commander of the Adrian post, and a sergeant in the Governor's security section of the executive office.

Munoz obtained his bachelor's degree from the University of Detroit, and he is a graduate of the Federal Bureau of Investigation National Academy in Quantico, VA.

Sturdivant was appointed director in 2003 and was a great supporter of traffic safety efforts. He encouraged department-wide participation of safety belt and drunk driving enforcement efforts and a zero-tolerance approach to unbelted motorists.

During his tenure with the department, Sturdivant held the ranks of trooper, sergeant, lieutenant, first lieutenant, inspector, captain, lieutenant colonel and colonel.

Sturdivant said retirement will allow him to be closer to home and spend more time with his family.

## SUV rollover ratings showing improvement

Rollover ratings for 2006 model sport utility vehicles (SUVs) show a marked improvement over 2005, according to the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA). The rating results also point to an unprecedented number of SUVs with electronic stability control (ESC) in 2006.

For the 2006 model year, 39 SUVs (42 percent of those rated) earned four stars in NHTSA's rollover rating program. In 2005, 34 percent received four stars. For the 2006 model year, 57 SUVs (69 percent of all SUV models) offer ESC as standard equipment, up from 43 percent in 2005.

Earlier research by NHTSA documented the potential life-saving benefits of ESC, reducing single vehicle crashes by 63 percent for SUVs and 30 percent for passenger cars. Nearly all automakers now offer ESC on a total of 57 SUV models as standard equipment, and on six SUVs as an available option, up from 20 standard and 14 optional in 2003.

For new 2006 model year vehicles, the highest rated SUV was

the Chevrolet HHR, earning four stars and a 14 percent chance of rollover if involved in a single-vehicle crash. The 2006 Chrysler Pacifica and Ford Freestyle, both carryover vehicles previously tested in earlier model years, remain the agency's highest rated SUVs overall with four stars and a 13 percent chance of rollover.

Of the 2006 model year tested vehicles, the lowest rated SUV was the Nissan Xterra 4x4, receiving three stars, representing a 25 percent chance of rollover.

For pickups, the highest rated vehicle was the Honda Ridgeline 4x4 and the Toyota Tacoma 4x2 – each earning four stars or a 14 percent chance of rollover. The lowest rated pickups were the Toyota Tundra 4x2, the Nissan Titan 4x4, and the Nissan Frontier 4x2, each receiving three stars, a 21 percent chance of rollover.

For vans, the highest rated vehicle was the Kia Sedona, earning four stars and a 13 percent chance of rollover if involved in a single-vehicle crash. The lowest rated van was the Ford E350, receiving two stars, a 30 percent chance of

rollover.

For passenger cars, the highest rated vehicle was the Pontiac G6, earning five stars and a 9 percent chance of rollover if involved in a single-vehicle crash. The lowest rated passenger car was the Scion xB, receiving four stars and an 18 percent chance of rollover.

The complete list of 2006 vehicles rollover results, including carryover results from previous model years, is also available at [www.safercar.gov](http://www.safercar.gov).

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# Updates on law changes and case law decisions in Michigan

By David Wallace, *Traffic Safety Training Attorney,*  
*Prosecuting Attorney's Association of Michigan*

Recently, a study was done on Michigan's procedure for obtaining blood in an OWI case where the person arrested has refused to take a police-requested test. Michigan is being shown as a shining star in this process as many states do not allow, or just don't do, a search warrant when there is a refusal.

However, the one concern that came up again and again during the study was the time it can take an officer to take a person to the hospital to draw blood. Everyone recognizes that the process is important, but it would be better if the officer could get the blood sample and get back on the road quicker.

Arizona, another model state, is doing it a different way. They have law enforcement officers that are trained to draw blood on duty and at the station. This way there is no transporting the suspect to the hospital and waiting for the nurse to obtain the equipment. Everything is done at the police station. A few agencies here in Michigan are trying variations of that theme. They have a nurse or EMT with a local fire department or ambulance service come to the jail and do the blood draw. Whatever your process, make sure it is the most efficient for your needs. Consider if it would work using an EMT or other similar person. If you have questions on what is legally allowed, I have done a memorandum on the current state of the law in this area.

A second issue to apprise everyone about is the change for a person that holds a Commercial Motor Vehicle (CMV) license. Public Act 362 of 2004 (effective October 4, 2004) made several changes when it was implemented to the OWI Law, but one of those changes didn't take effect until October 1, 2005.

It states that if a person has a CMV license and commits certain motor vehicle offenses in their own private motor vehicle, they lose their CMV license. In other words, driving their private motor vehicle is treated as if they were driving the commercial motor vehicle. These offenses include OWI, Refusing to Submit to a Chemical Test, Leaving the Scene of an Accident, and Using a Vehicle to Commit a Felony. Therefore, if a commercial driver gets convicted, he or she will lose their CMV license for one year—mandatory. What does this mean for officers? While it may have an impact on a relatively few number of cases, on those particular cases, you should be prepared that the defendant will vigorously fight these charge in an attempt to keep their CMV license, as this could seri-

ously affect their livelihood.

**RECENT CASE LAW:** Grabbing the steering wheel and causing a crash constitutes operation of the vehicle. The defendant and his girlfriend were arguing as she drove down the road. He grabbed the steering wheel and turned the car, which drove off the road striking and severely injuring a jogger. The defendant was charged with felonious driving, but the district court held that he was not operating the vehicle and dismissed the case.

Four justices of the Michigan Supreme Court held that when a person grabs the steering wheel and turns the car they are operating the vehicle. They reinstated the felonious driving charges. Justice Weaver concurred in the judgment, and Justices Cavanagh and Kelly dissented. *People vs Yamat*, MSC No. 128724, released May 31, 2006.

**NEW STATUTE:** It is no longer a crime to equip a motor vehicle with a police scanner. The legislature recently made changes to that law. 2006 Public Act 39 made it a crime if a scanner is used in the commission or attempted commission of a crime with a penalty of 93 days or more, or the person possessing the scanner has been convicted of a felony within the past five years. This went into effect May 1, 2006.

*For further information on these changes and PAAM training programs, contact David Wallace, Traffic Safety Training Attorney, at (517) 334-6060 or email at [wallaced@michigan.gov](mailto:wallaced@michigan.gov).*

*Consult your prosecutor before adopting practices suggested by reports in this article.*

*The court decisions in this article are reported to help you keep up with trends in the law. Discuss your practices that relate to these statutes and cases with your commanding officers, police legal advisors, and the prosecuting attorney, before changing your practices in reliance on a reported court decision or legislative change.*



## Two OHSP projects honored with public relations awards

Two Office of Highway Safety Planning produced communications projects have been recognized with Pinnacle Awards by the Central Michigan Chapter of the Public Relations Society of America.

These include the "Angel" radio PSA for the Operation S.A.B.R.E. (Speed, Aggressive Driving, Belts, Rural, Enforcement) project on the Upper Peninsula's U.S. 2 and the *Click It or Ticket* campaign.



# Extra enforcement in effect over July 4th holiday

Nationally, July 4<sup>th</sup> is the second most deadly holiday period of the year – just behind New Year's, according to the National Highway Traffic Safety Administration. In 2004, at least 253 people were killed in alcohol-related traffic crashes across America during the Fourth of July holiday period.

In Michigan, 17 people died during the July 4<sup>th</sup> holiday in 2005, with 4 crashes involving alcohol. Overall, alcohol- and/or drugs are involved in 35 percent of all crashes in Michigan.

To help combat this problem, 66 agencies in 26 counties will utilize federal traffic safety dollars for overtime enforcement of the state's drunk driving laws July 1-4. Anyone planning to use alcohol while celebrating Independence Day is reminded to always designate a sober driver before the celebrations



begin.

Motorists who have been drinking are urged to call a cab or spend the night. Party hosts are asked to serve non-alcoholic drinks for designated drivers and to make sure all guests leave with a sober driver.

Counties utilizing grant funding for enforcement during the July 4<sup>th</sup> holiday include: Allegan, Bay, Cheboygan, Chippewa, Clinton, Genesee, Gogebic, Grand Traverse, Hillsdale, Ionia, Jackson,

Kalamazoo, Lapeer, Livingston, Macomb, Manistique, Marquette, Menominee, Oceana, Ogemaw, Ottawa, Roscommon, Saint Joseph, Sanilac, Van Buren, and Wayne.

## Ideas sought for 2007 Traffic Safety Summit

Planning is underway for the 2007 Michigan Traffic Safety Summit. The Michigan Office of Highway Safety



Planning (OHSP) is seeking topic ideas and workshop suggestions, along with suggested speakers for the 2007 conference.

Please visit the OHSP website for a workshop suggestion form at [www.michigan.gov/ohsp](http://www.michigan.gov/ohsp), under the Safety Summit section.

For more information, contact Anne Readett at (517) 333-5317.

## Increased intersection enforcement, reduced motorcycle fatalities make list of Michigan 2007 priorities

Planning for FY2007, which begins October 1, 2006, is well underway at the Michigan Office of Highway Safety Planning. OHSP expects to administer approximately \$16 million in traffic safety-related grants in the upcoming fiscal year.

OHSP's priorities for FY07 include high-visibility enforcement of safety belt and drunk driving laws and expanded intersection enforcement projects; enhancing the availability, timeliness, and use of traffic crash data; improving the correct use of child passenger safety seats; reducing the number of pedestrian fatalities in Detroit; and reducing motorcycle crashes.

On the national level, the National Highway Traffic Safety

Administration (NHTSA) has made a budget request of \$815 million for programs and activities necessary to address highway safety issues. This request reflects increased funding of \$8.5 million over FY06.

This budget includes \$693 million for its behavioral safety program, which addresses the human behaviors associated with traffic crashes, deaths, and injuries, including safety belt use, speeding, and alcohol use; \$122 million for vehicle safety, which addresses issues such as vehicle rollover, roof crush protection, and vehicle safety research; and \$99.6 million for administrative expenses.

FY07 runs through September 30, 2007.

## WHAT'S AHEAD

### July

- 19 Ride Your Motorcycle to Work Day  
[www.ridetowork.org](http://www.ridetowork.org)

### August

- 6-12 National Stop on Red Week [safety.fhwa.dot.gov](http://safety.fhwa.dot.gov)
- 18-Sept. 4 Impaired Driving High-Visibility Enforcement

### October

- 11 Law Enforcement Challenge Recognition Ceremony - Holiday Inn South, Lansing

# New activity sheet teaches youngsters about traffic safety

A story time activity sheet developed by a Lansing-area children's librarian offers a new way to teach children about traffic safety issues. The activity sheet includes songs, activities, and available resources regarding traffic safety issues such as bicycle helmet use, buckling up, and pedestrian safety.

The Michigan Office of Highway Safety Planning is offering this flyer in an effort to educate children about these traffic safety issues.

A copy of the flyer can be downloaded from the OHSP website at [www.michigan.gov/ohsp](http://www.michigan.gov/ohsp) (click on Traffic Safety Materials) or ordered by calling (517) 333-2722.



Children's librarian, Angela Semifero, is honored by Michael L. Prince, OHSP division director, for the creation of a traffic safety activity sheet for children.

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